

10/04/2001 03:47:55 PM

Page 1

2001 DRAFTING REQUEST**Bill**

Received: 09/21/2001

Received By: jkreye

Wanted: Soon

Identical to LRB:

For: Roger Breske (608) 266-2509

By/Representing: beth

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Addl. Drafters:

Subject: Tax - sales

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Creating definitions for common and contract carriers for sales tax and use tax purposes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 09/24/2001	wjackson 09/25/2001					S&L
/1			pgreensl 09/25/2001		lrb_docadmin 09/25/2001	lrb_docadmin 10/04/2001	

FE Sent For:

<END>

10-09-01

("1")

Requested
by
Vaughn

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1?	jkreye	1 9/25 jld	9/25	9/25			
			P8	P8/P2			

FE Sent For:

<END>

Kreye, Joseph

From: Piliouras, Elizabeth
Sent: Friday, September 21, 2001 2:40 PM
To: Kreye, Joseph
Subject: LRB3609/2

3729/11
1

Joe:

Due to a mix up, this was jacketed prematurely. The Senator intended to jacket language identical to AB491. The Senator would like to also incorporate some of the amendments that were brought up at Assembly hearing yesterday, including inserting (referencing AB491):

"and private roads" after "upon the public highways" on page 2, lines 1, 3 and 10. Senator Breske would also like to make it retroactive, but I don't have a date yet - I should have one by the end of the afternoon.

Senator Breske would like to have this for his Sept 26 hearing if at all possible...???

Much appreciated,
Beth

Beth Piliouras

Legislative Assistant/Committee Clerk
Office of Senator Roger Breske, 12th District
Room 18 South, Capitol Building
608/266-2509
elizabeth.piliouras@legis.state.wi.us

*retroactive
January 1, 1992
need new draft with all
the changes.*

- retroactively*
- first applies to sales made on January 1, 1992
- Take effect retroactively on January 1, 1992

Kreye, Joseph

From: Piliouras, Elizabeth
Sent: Friday, September 21, 2001 3:24 PM
To: Kreye, Joseph
Subject: LRB3609 follow up

Joe: Roger decided to wait to take up this language until the Oct 10th hearing, so there's a little more time to make sure everything's right.

Thanks,
Beth

Beth Piliouras

Legislative Assistant/Committee Clerk
Office of Senator Roger Breske, 12th District
Room 18 South, Capitol Building
608/266-2509
elizabeth.piliouras@legis.state.wi.us

2001 ASSEMBLY BILL 491

September 17, 2001 - Introduced by Representative STONE. Referred to Committee on Transportation.

Reger

✓ and private roads

- 1 AN ACT *to create* 77.51 (1p) and 77.51 (1s) of the statutes; **relating to:** creating
- 2 definitions for common and contract carriers for sales tax and use tax purposes.

Analysis by the Legislative Reference Bureau

Under current law, the terms "common carrier" and "contract carrier" are not defined for sales tax and use tax purposes. This bill defines a "common carrier," for sales tax and use tax purposes, as a person who, for hire, transports passengers by motor vehicle between fixed points and over regular routes upon public highways or who, for hire, transports property, including valueless property, between fixed points and over regular routes or irregular routes upon public highways. The bill defines "contract carrier" as a person who, for hire, transports property, including valueless property, by motor vehicle over regular or irregular routes upon public highways.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 77.51 (1p) of the statutes is created to read:
- 4 77.51 (1p) "Common carrier" means any person who holds himself or herself
- 5 out to the public as willing to undertake for hire to transport passengers by motor

The bill takes effect, retroactively, on January 1, 1992.

new sentence

ASSEMBLY BILL 491

SECTION 1

*upon
and private roads*

1 vehicle between fixed end points or over a regular route upon the public highways
2 or to transport property, including valueless property, over regular or irregular
3 routes upon the public highways. The transportation of passengers in taxicab
4 service or in commuter car pool or van pool vehicles with a passenger-carrying
5 capacity of less than 16 persons or in a school bus under s. 120.13 (27) shall not be
6 construed as being that of a common carrier.

7 SECTION 2. 77.51 (1s)^x of the statutes is created to read:

8 77.51 (1s) "Contract carrier" means any person engaged, for hire, in the
9 transportation of property, including valueless property, by motor vehicle over a
10 regular or irregular route upon the public highways.

11 (END)

Sec #, Initial Applicability.

*(#) This act first applies, retroactively, to sales made on
January 1, 1992.*

Sec #. Effective date.

(#) This act takes effect, retroactively, on January 1, 1992.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

September 25, 2001

MEMORANDUM

To: Senator Breske

From: Joseph T. Kreye, Legislative Attorney

Re: LRB-3856/1 Creating definitions for common and contract carriers for sales tax and use tax purposes

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

____ JACKET FOR ASSEMBLY X JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-2263 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

Barman, Mike

From: Piliouras, Elizabeth
Sent: Tuesday, October 02, 2001 11:22 AM
To: Kreye, Joseph
Cc: Barman, Mike
Subject: RE: LRB3856

Joe and Mike:

Can you hold off on jacketing LRB3856 - I just got some information that we may want to change in the draft...

Thanks,
Beth

-----Original Message-----

From: Kreye, Joseph
Sent: Tuesday, October 02, 2001 11:13 AM
To: Piliouras, Elizabeth
Subject: RE: LRB3856

Beth- I forwarded your request to Mike Barman, one of our program assistants. He can tell you how long it will take. Thanks.
Joe

Joseph T. Kreye
Legislative Attorney
Legislative Reference Bureau
(608) 266-2263

-----Original Message-----

From: Piliouras, Elizabeth
Sent: Tuesday, October 02, 2001 11:07 AM
To: Kreye, Joseph
Subject: LRB3856

Joe - I'm sending it over to get jacketed... it won't take long right?

Beth Piliouras
Legislative Assistant/Committee Clerk
Office of Senator Roger Breske, 12th District
Room 18 South, Capitol Building
608/266-2509
elizabeth.piliouras@legis.state.wi.us

Barman, Mike

From: Piliouras, Elizabeth
Sent: Thursday, October 04, 2001 3:23 PM
To: Kreye, Joseph
Cc: Barman, Mike
Subject: RE: LRB3856

Please have LRB3856/1 jacketed - if I can get it back Friday (if at all possible), it'd be appreciated. The senator has another jacket we can send for introduction at the same time.

Thanks!
Beth

-----Original Message-----

From: Kreye, Joseph
Sent: Tuesday, October 02, 2001 11:13 AM
To: Piliouras, Elizabeth
Subject: RE: LRB3856

Beth- I forwarded your request to Mike Barman, one of our program assistants. He can tell you how long it will take. Thanks.
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